



~~January 21, 2003 CPC~~
~~February 26, 2003 BS~~
April 23, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0175

Donna Askew Howard

Dale Magisterial District
4318 Jacobs Bend Terrace

REQUEST: Conditional Use to permit a family day care home in a Residential (R-12) District.

PROPOSED LAND USE:

A family day care home within an existing single family residence is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGE 2.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The family day care home, if properly conditioned, should be compatible with surrounding residential development. Family day care homes have been approved in other similar neighborhoods throughout the County and have operated without any adverse impact on area residences.
- B. Through the Conditional Use process and the imposition of the recommended conditions, the residential character of the area will be maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE

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RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITIONS

- (STAFF/CPC) 1. This Conditional Use shall be granted to and for Donna Askew Howard exclusively, and shall not be transferable nor run with the land. (P)
- (STAFF/CPC) 2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
- (STAFF/CPC) 3. There shall be no signs permitted to identify this use. (P)

GENERAL INFORMATION

Location:

West line of Jacobs Bend Terrace, north of Jacobs Bend Drive and better known as 4318 Jacobs Bend Terrace. Tax ID 758-685-1030 (Sheet 11).

Existing Zoning:

R-12

Size:

0.4 acre

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North, South, East and West – R-12; Single family residential

UTILITIES

Public Water System:

There is an existing six (6) inch water line extending along the western side of Jacobs Bend Terrace, adjacent to this site. Use of the public water system is required by County Code. The existing home is connected to the public water system.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector extending along Jacobs Bend Terrace, adjacent to this site. Use of the public wastewater system is required by County Code. The existing home is connected to the public wastewater system.

ENVIRONMENTAL

Drainage and Erosion:

The proposed use will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service and Transportation:

The proposed use will have a minimal impact on the existing transportation network and fire/rescue services.

LAND USE

Comprehensive Plan:

The request site lies within the boundaries of the Central Area Plan which suggests the property is appropriate for residential use of 1.00 to 2.50 units per acre.

Area Development Trends:

The property is located within Jacobs Glenn Subdivision. Adjacent properties are zoned residential and are occupied by single family residences in the Cabin Creek West and Jacobs Glenn Subdivisions.

Site Design:

The applicant proposes to utilize the dwelling in which she resides and the backyard area for the family day care home. To insure that the residential character of the area is maintained, conditions preclude any additions or alterations to the existing structure to accommodate the use and any sign to identify the use. (Conditions 2 and 3)

Use:

As noted herein, the applicant is requesting a family day care home. The Zoning Ordinance permits the keeping of a maximum of five (5) children, excluding the provider's children and any children who reside in the home, as a restricted use in a residential district. The Ordinance would allow the keeping of up to twelve (12) children with a Conditional Use.

CONCLUSIONS

The proposed family day care home, as conditioned, should have no adverse impact on the surrounding neighborhood. Similar family day care homes have been approved in other neighborhoods and have operated without any apparent impact on area residences. The conditions are similar to conditions imposed upon other family day care homes and are designed to maintain the residential character of the area (Conditions 1 through 3). Therefore, approval of this request, subject to the conditions, is recommended.

CASE HISTORY

Planning Commission Meeting (1/21/03):

The applicant accepted the recommendation. There was opposition present. Two (2) residents who live south of the intersection of Jacobs Bend Drive and Cindiwood Drive expressed concerns that the proposed use represents commercial encroachment into a single family residential neighborhood and approval could set a precedent for other commercial uses in the area. Concerns were also expressed that the use would increase traffic in the neighborhood.

Mr. Litton indicated that a meeting was held to discuss the proposal with adjacent property owners and no one appeared in opposition. He stated that those who expressed concerns do not live in proximity to the request property and therefore, did not feel that they would be affected by the use.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission recommended approval of this request subject to the conditions on page 2.

AYES: Unanimous.

Board of Supervisors' Meeting (2/26/03):

The applicant presented letters of support from adjacent property owners.

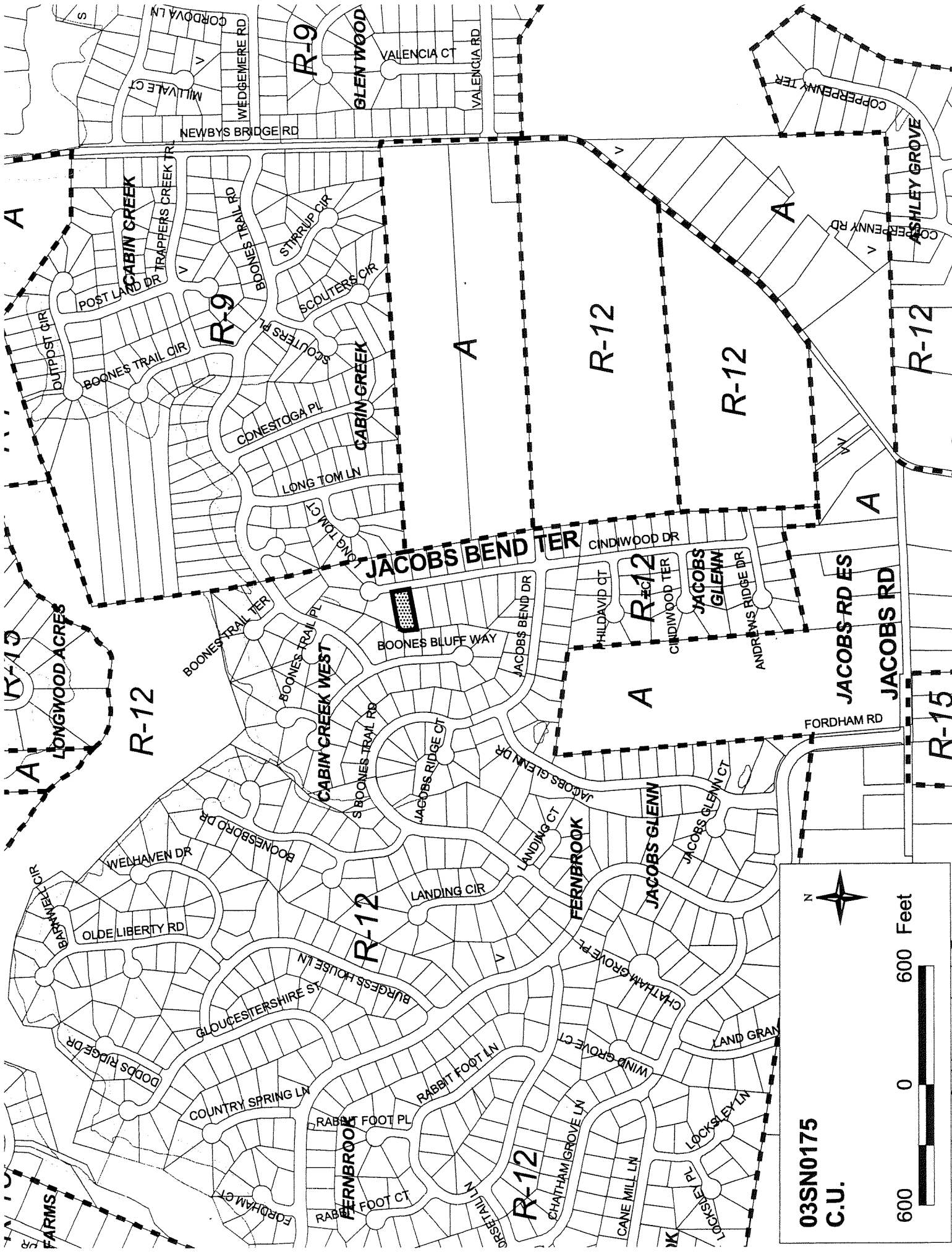
Mr. Miller stated he wanted an opportunity to meet with those who expressed opposition to the request.

On their own motion, the Board deferred this request to April 23, 2003.

Applicant, Area Residents, Staff, Dale District Board Member and Planning Commissioner (3/31/03):

A meeting was held to discuss the request with area property owners. Citizens offered support for the request stating there would be no adverse impact and other citizens expressed a concern that approval of this request would encourage the location of commercial uses in a residential neighborhood and would increase traffic.

The Board of Supervisors, on Wednesday, April 23, 2003, beginning at 7:00 p.m., will take under consideration this request.



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